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*Of Attorneys for Defendants City of Portland,
Larry Graham, Ryan Lee, Chris Lindsey,
Jeffrey McDaniel, and Joseph Santos*

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

JEREMY IBARRA,

3:19-cv-00871-MO

PLAINTIFF,

v.

**STIPULATED GENERAL JUDGMENT
OF DISMISSAL**

CITY OF PORTLAND; LARRY
GRAHAM; RYAN LEE; CHRIS
LINDSEY; JEFFREY MCDANIEL;
JOSEPH SANTOS; CHAD DREW; JACE
HALL; JERRAD LITTLE; CORY
SWEET; and JOHN DOES 1-25,

DEFENDANTS.

Defendants Graham, Lee, Lindsey, McDaniel, and Santos' (Dkt. 37) and Defendants Hall and Little's (Dkt. 51), Motions for Summary Judgment came for hearing on January 7, 2021. Based on Defendants' motions, and their supporting declarations and exhibits, the Court granted the Defendants' Summary Judgment Motions, as explained on the record (*see* Dkt. 79), deciding

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as follows:

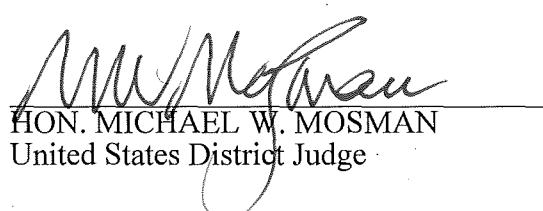
1. The Defendants had reasonable suspicion to detain the group of individuals on SW Fourth Avenue between SW Morrison and SW Alder streets on June 4, 2017 for the offense of Disorderly Conduct in the Second Degree, related to the interference with vehicular or pedestrian traffic on a public way , ORS 166.025(1)(d). Moreover, this lawful detention did not become an arrest. As a result, Plaintiff's Fourth Amendment Claim (Claim 1), with respect to any unlawful detention, is dismissed.
2. Plaintiff has withdrawn his excessive force claim under the Fourth Amendment. As a result, Plaintiff's Fourth Amendment Claim (Claim 1), with respect to any excessive force, is dismissed.
3. If the detention had violated Plaintiff's Fourth Amendment Rights, the individual officer and state trooper Defendants are entitled to Qualified Immunity.
4. None of the Defendants arrested Plaintiff on June 4, 2017. In any event, Plaintiff's arrest was supported by probable cause. For each of these reasons, Plaintiff's Fourth Amendment Claim (Claim 1) with respect to Plaintiff's arrest, is dismissed.
5. Plaintiff failed to provide evidence that Defendants' actions on June 4, 2017 were motivated by Plaintiff's protected First Amendment conduct. As a result, Plaintiff's First Amendment Claim against the individual Defendants (Claim 3) is dismissed.
6. Consistent with the Fourth Amendment analysis, because Plaintiff's detention was based on reasonable suspicion and his arrest was based on probable cause, Plaintiff's state law false arrest claim fails. As a result, Plaintiff's false arrest claim (Claim 4, Count 2) is dismissed.

7. Plaintiff failed to give timely tort claim notice of his state law negligence claim as required by ORS 30.275. As a result, Plaintiff's negligence claim (Claim 4, Count 1) is dismissed.
8. Because Plaintiff suffered no violation of his First or Fourth Amendment rights, and Claims 1 and 3 are dismissed, Plaintiff has no claim for municipal liability against Defendant City of Portland. As a result, Plaintiff's *Monell* claims (Claims 2 and 4), are dismissed.

IT IS SO ORDERED and ADJUDGED,

1. This action is DISMISSED with prejudice.

DATED this 21 day of January, 2021.



HON. MICHAEL W. MOSMAN
United States District Judge

Respectfully submitted,

/s/William W. Manlove
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